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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 UNITED STATES OF AMERICA, No. 2:04-CR-0104-JAM-CMK

12 Respondent,

13 vs. ORDER

14 MARK STEVEN ERCKERT,

15 Movant.
16 _____/

17 Movant, a federal prisoner proceeding pro se, brings this motion to correct or set
18 aside a criminal judgment pursuant to 28 U.S.C. § 2255.

19 Movant filed his § 2255 motion on September 21, 2009. Respondent filed its
20 opposition on January 15, 2010. On October 11, 2011, the court denied movant's motion for
21 appointment of counsel and movant filed an interlocutory appeal. That appeal was dismissed by
22 the Ninth Circuit Court of Appeals on February 21, 2012, for lack of appellate jurisdiction and
23 the mandate issued on April 10, 2012.

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1 Jurisdiction having now been returned to this court, the court hereby sets a due
2 date for movant's optional reply brief. Movant may file an optional reply brief within 30 days of
3 the date of this order.

4 IT IS SO ORDERED.

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6 DATED: October 9, 2012

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8 **CRAIG M. KELLISON**
9 UNITED STATES MAGISTRATE JUDGE
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